

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

BILLY CHARLES FELDERs,)	
)	
Petitioner,)	
)	
vs.)	CAUSE NO. 3:06-CV-0738 PS
)	
EDWIN G. BUSS,)	
)	
Respondent.)	

OPINION AND ORDER

Billy Felders, a *pro se* prisoner, filed this habeas corpus petition seeking to challenge his 1984 conviction for murder. Petitioner Felders previously filed a habeas corpus petition seeking to challenge this same conviction in *Felders v. Farley*, 3:93-CV-759 (N.D. Ind. filed October 10, 1993).

“A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.” 28 U.S.C. § 2244(b)(1).

Furthermore,

Before a second or successive application permitted by [28 U.S.C. § 2244(b)(2) which was not presented in a prior application] is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

28 U.S.C. § 2244(b)(3). Here, Felders has not obtained an order from the court of appeals. “A district court must dismiss a second or successive petition . . . unless the court of appeals has given approval for its filing.” *Nunez v. United States*, 96 F.3d 990, 991 (7th Cir. 1996) (emphasis in original).

Therefore the court **DISMISSES** this petition for want of jurisdiction.

SO ORDERED.

ENTERED: March 1, 2007.

S/ Philip P. Simon
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT